

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

Leota L. Balch

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Novartis Pharmaceuticals Corporation

08 CV 02339

TO: (Name and address of defendant)

Novartis Pharmaceuticals Corporation
One Health Plaza
East Hanover, New Jersey 07936-1080

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Beatie and Osborn LLP
521 Fifth Avenue, 34th Floor
New York, New York 10175

an answer to the complaint which is herewith served upon you, within twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAR 06 2008

CLERK

DATE

(BY) DEPUTY CLERK

COUNTY OF: SOUTHERN DISTRICT OF NY ATTORNEY: DANIEL A. OSBOR

LEOTA L. BALCH
 - against -
NOVARTIS PHARMACEUTICALS CORP.

Plaintiff(s)
 Respondent(s)
 Defendant(s)

**AFFIDAVIT
 OF SERVICE**

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STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

PASCAL KUVALAKIS, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in NJ.
 That on date/time: 03/11/2008 03:30PM, at ONE HEALTH PLAZA EAST HANOVER TWP. NJ 07936
 deponent served the within: SUMMONS AND COMPLAINT

[] Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: NOVARTIS PHARMACEUTICALS CORP.

[] Defendant [] Respondent [] Witness (hereinafter called the recipient) therein named.

INDIVIDUAL
A [] By personally delivering to and leaving with said NOVARTIS PHARMACEUTICALS CORP.
 and that he knew the person so served to be the person mention and described in said SUMMONS AND COMPLAINT

CORPORATION
B [X] By delivering to and leaving with JILL ANDERSEN ESQ.
 at ONE HEALTH PLAZA EAST HANOVER TWP. NJ 07936
 and that he knew the person so served to be the ATTORNEY of the corporation.

SUITABLE
AGE PERSON
C [] Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:
 By delivering a true copy thereof to and leaving with _____
 a person of suitable age and discretion at _____
 the said premises being the recipient's [] Dwelling/Usual place of abode [X] Actual place of business within the State of New York.

AFFIXING TO
DOOR, ETC.
D [] By affixing a true copy thereof to the door of said premises, the same being the recipient's
 [] Dwelling/Usual place of abode [X] Actual place of business within the State of New York. Deponent had previously attempted to serve
 the above named recipient on/at: 1. _____ 2. _____ 3. _____
 Deponent spoke with _____ who stated to deponent that the said recipient(s)
 lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO
RESIDENCE
E1 [] Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient
 and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service
 Use with C or D within New York State on 03/11/2008.

MAILING TO
BUSINESS
E2 [] Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient
 to recipient's actual place of business at _____
 in an official repository under the exclusive care an custody of the US Postal Service within New York State. The envelope bore the
 legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication
 was from an attorney or concerned an action against the recipient and mailed on 03/11/2008.

F [X] DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.
 DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

VOID WITHOUT DESCRIPTION Use with A,B,C,D	[] Male	[X] White Skin	[] Black Hair	[] White Hair	[] 14 - 20 Yrs.	[] Under 5'	[] Under 100 Lbs.
	[X] Female	[] Black Skin	[] Brown Hair	[] Balding	[] 21 - 35 Yrs.	[] 5'0" - 5'3"	[] 100 - 130 Lbs.
		[] Yellow Skin	[X] Blonde Hair	[] Moustache	[X] 36 - 50 Yrs.	[] 5'4" - 5'8"	[] 131 - 160 Lbs.
		[] Brown Skin	[] Gray Hair	[] Beard	[] 51 - 65 Yrs.	[X] 5'9" - 6'0"	[X] 161 - 200 Lbs.
		[] Red Skin	[] Red Hair	[] Glasses	[] Over 65 Yrs.	[] Over 6'	[] Over 200 Lbs.

Other identifying features: _____

WITNESS FEE
G [] Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:
 [] was paid (tendered) to the recipient [] was mailed to the witness with subpoena copy.

MILITARY
SERVICE
[X] I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any
 capacity whatsoever and received a negative reply. *Defendant wore civilian clothes and no military uniform.* The source of my
 information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

12 day of March, 2008

Notary Signature: Jackeline Gonzalez

JACKELINE GONZALEZ

Name of Notary NOTARY PUBLIC OF NEW JERSEY Commission Expiration

My Commission Expires Dec. 7, 2010

I, PASCAL KUVALAKIS,
 was at the time of service a competent adult
 not having a direct interest in the litigation.
 I declare under penalty of perjury that the
 foregoing is true and correct.

Signature of Process Server 3/12/2008
 Date

TZ